

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE	:	ID. No. 1301012846
	:	In and for Kent County
	:	
v.	:	RK13-02-0396-01
	:	Rape 1 st (F)
JONATHAN KARASEVICH,	:	
	:	
Defendant.	:	

ORDER

Submitted: January 2, 2018
Decided: January 26, 2018

On this 26th day of January, 2018 upon consideration of the Defendant's Motion for Postconviction Relief, the Commissioner's Report and Recommendation, and the record in this case, it appears that:

1. The defendant, Jonathan Karasevich ("Karasevich"), pled guilty on June 26, 2013 to Rape in the First Degree, 11 *Del. C.* § 773. He also faced fifteen additional counts of Rape in the First Degree, one count of Continuous Sexual Abuse of a Child, one count of Sexual Solicitation of a Child, and one count of Endangering the Welfare of a Child. *Nolle prosequis* were entered by the State on the additional charges in exchange for Karasevich's plea. As part of the Plea Agreement the parties agreed to recommend a sentence of fifty years at Level V suspended after serving fifteen years of minimum mandatory time for varying levels of probation. The Court agreed with the parties' recommendation and sentenced Karasevich accordingly. Had he gone to trial and been found guilty of all charges, he faced 255 years of minimum mandatory time and the possibility of life in prison.

2. Karasevich did not appeal his conviction or sentence to the Delaware Supreme Court; instead, he filed a Motion for Sentence Reduction and Modification on September 23, 2013, which was denied due to the defendant's receiving the mandatory

minimum. Karasevich then filed the instant Motion for Postconviction Relief *pro se* pursuant to Superior Court Criminal Rule 61. The Court appointed counsel to represent Karasevich in his motion. Appointed Counsel subsequently filed a motion to withdraw with supporting memorandum. In the motion to withdraw, Appointed Counsel set forth that he had conducted a conscientious review of the record and had concluded that no meritorious issues existed. Appointed counsel was granted permission to withdraw.

3. The matter was referred to the Commissioner for findings of fact and recommendation pursuant to 10 *Del. C.* § 512(b) and Superior Court Criminal Rule 62. The Commissioner has filed a Report and Recommendation recommending that the Court deny the Defendant's Motion for Postconviction Relief.

4. After the issuance of the Commissioner's Report, neither party filed an appeal.

NOW, THEREFORE, after a *de novo* review of the record in this action, and for the reasons stated in the Commissioner's Report and Recommendation dated August 17, 2017,

IT IS HEREBY ORDERED that the Commissioner's Report and Recommendation is adopted by the Court in its entirety. Accordingly, Movant's Motion for Postconviction Relief pursuant to Superior Court Criminal Rule 61 is hereby **DENIED**.

/s/ Noel Eason Primos
Judge

NEP/wjs

oc: Prothonotary

cc: The Honorable Andrea M. Freud

Susan G. Schmidhauser, Esq.

Suzanne E. Macpherson-Johnson, Esq.

Jonathan Karasevich, JTVCC